



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|---|-------------|------------------------|----------------------------|------------------------|
| 10/757,197  | 01/14/2004  | Jimmie Earl DeWitt JR. | AUS920030556US1            | 3551                   |
| 35525   | 7590        | 06/05/2007             |                            |                        |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                        | EXAMINER<br>DAO, THUY CHAN |                        |
|   |             |                        | ART UNIT<br>2192           | PAPER NUMBER           |
|   |             |                        | MAIL DATE<br>06/05/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                          |                                      |                                      |  |
|--------------------------|--------------------------------------|--------------------------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b><br>10/757,197 | <b>Applicant(s)</b><br>DEWITT ET AL. |  |
|                          | <b>Examiner</b><br>Thuy Dao          | <b>Art Unit</b><br>2192              |  |

All participants (applicant, applicant's representative, PTO personnel):

(1) Mr. Glanzman (Reg. No. 25,035). (3) \_\_\_\_\_.

(2) Thuy Dao. (4) \_\_\_\_\_.

Date of Interview: 31 May 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.


Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Glanzman explained/clarified the proposed amendments after Final Office Action in claim 1. It was agreed that the term "identified optimizations" will be further defined and/or clarified including the support section from the specification to assist the examiner for continuing prosecution.

It was agreed that the examiner will fully reconsider the proposed amendments after the filing of a RCE.

**Yee &  
Associates, P.C.**

4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244

Main No. (972) 385-8777  
Facsimile (972) 385-7766

## FACSIMILE COVER SHEET

|  |  |
|--|--|
| To: Commissioner for Patents for<br>Examiner Thuy Dao<br>Group Art Unit 2192   | Facsimile No. 571/2738570  |
| From: April Morgan<br>Legal Assistant to Jerry Glanzman  | No. of Pages Including Cover Sheet: 3  |
| Enclosed herewith: <ul style="list-style-type: none"><li>• Agenda for Telephone Interview.</li></ul>   |  |
| Re: Application Serial No. 10/757,197<br>Attorney Docket No. AUS920030556US1   |  |
| Date: May 30, 2007   |  |
| <b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b> | <i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i> |

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY  
FAXING A CONFIRMATION TO 972-385-7766.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                       |   |                                      |
|---------------------------------------|---|--------------------------------------|
| In re application: DeWitt, Jr. et al. | § |                                      |
|                                       | § |                                      |
|                                       | § |                                      |
| Serial No.: 10/757,197                | § | Group Art Unit: 2192                 |
|                                       | § |                                      |
| Filed: January 14, 2004               | § | Examiner: Dao, Thuy Chan             |
|                                       | § |                                      |
| For: Method and Apparatus for         | § | Attorney Docket No.: AUS920030556US1 |
| Optimizing Code Execution Using       | § |                                      |
| Annotated Trace Information Having    | § |                                      |
| Performance Indicator and Counter     | § |                                      |
| Information                           |   |                                      |

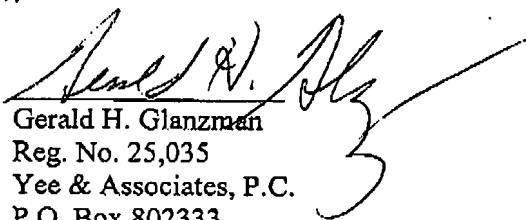
AGENDA FOR TELEPHONE INTERVIEW

Sir:

I would like to request a telephone interview on Thursday, May 31, 2007, at 10:00 a.m. Central time. Please consider the following topics for discussion:

- See attached proposed claim.

The Examiner is invited to call at the below-listed telephone number to confirm or reschedule the requested telephone interview.

  
Gerald H. Glanzman  
Reg. No. 25,035  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
ATTORNEY FOR APPLICANT

Proposed amended claim

1. (Currently amended) A method, in a data processing system, for optimizing runtime execution of a computer program, comprising:

~~modifying~~ obtaining performance profile data accumulated during a trace of a computer program execution to include annotations based on the occurrence of one or more events during execution of the computer program, wherein the one or more events occur based on hardware counter values and performance indicators associated with one or more portions of the computer program;

obtaining code for the computer program;

~~providing the annotated performance profile data to a computer program compiler; and~~

~~identifying~~ determining a manner for compiling the code to provide one or more identified optimizations to the runtime execution of the computer program that may be performed based on the performance profile data and the annotations, wherein the one or more optimizations include at least one of an optimization to the instruction paths of the computer program at branch points such that a more contiguous execution of instructions within the computer program is achieved, and an optimization to storage of instructions or data in a cache so that portions of a cache line that is falsely shared are stored in the cache on different cache lines;

presenting the one or more identified optimizations to a programmer using one or more graphical user interfaces;

receiving one or more selected optimizations of the one or more identified optimizations selected by the programmer; and

compiling the code using the one or more selected optimizations to generate an optimized computer program.